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June 12, 2002

Regional Hearing Clerk (R-19J)

U. S. Environmental Protection Agency-Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Via Federal Express

Re: In The Matter of DaimlerChrysler Corporation
Docket No. RCRA-05-2001-0015
Our File No.: 2700-527


Dear Clerk:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of DaimlerChrysler Corporation's unopposed Motion to Postpone Date. Please file in your usual manner and forward a time-stamped copy in the enclosed envelope.

Thank you for your cooperation in this matter.

Sincerely,

HOWARD & HOWARD ATTORNEYS


Steven C. Kohl sms

SCK:sms

Encl.

cc: Honorable William B. Moran
Karen J. Peaceman, Esq.

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**United States
Environmental Protection Agency**

Before the Administrator

In the matter of

DaimlerChrysler Corporation

Docket No. RDRA-05-2001-0015

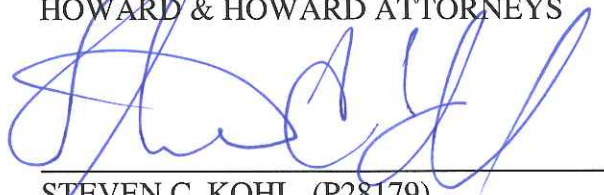
MOTION TO POSTPONE DATE

Now comes DaimlerChrysler Corporation, which states as follows:

1. This matter is scheduled begin hearing on September 11, 2002 and a motion cut-off date of June 28, 2002 has been established under the Notice of Hearing of April 17, 2002.
2. This matter arises out of the United States Environmental Protection Agency's (USEPA) efforts to apply Subparts J, BB, and CC of 40 C.F.R. Part 265 and analogous state provisions to solvent recovery systems operated by automotive manufacturers, including DaimlerChrysler Corporation, in association with painting operations conducted at automotive assembly plants at various locations, in different USEPA Regions and in various states.
3. On or on or about April 2, 2002 US E.P.A. verbally proposed a resolution of issues relating to the applicability of Subparts J, BB, and CC of the 40 C.F.R. Part 265 to purge solvent recovery systems maintained and operated by automotive manufacturers. This proposal was extended to each member of the Alliance of Automobile Manufacturers, of which DaimlerChrysler Corporation is a member. The proposal requested that each individual automotive manufacturer advise U.S. EPA by May 8, 2002 if it had interest in entering into negotiations on a company wide basis consistent with the OECA and OSWER proposal of April.
4. On May 7, 2002 U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) revised the April 2, 2002 offer slightly and extended to June 6, 2002, the time for DaimlerChrysler to indicate whether they wished to engage in negotiations over the terms and conditions of a Consent Agreement and Final Order (CAFO) to memorialize the resolution of claims.

5. On June 6, 2002, DaimlerChrysler Corporation accepted in principle the framework of the U.S. EPA's May 7 proposal and expressed its intention to negotiate with USEPA, consistent therewith, the final terms and conditions of a CAFO for its nine assembly plants located in four different states and three different USEPA Regions within the framework of the May 7 proposal.
6. The contemplated CAFO will resolve the matters at issue in this cause.
7. As of the date of this motion, DaimlerChrysler is awaiting receipt of a draft CAFO from U.S. EPA. Finalization of the CAFO may require review, input and approval of OECA, OSWER, and the Regional Administrator and Regional Counsel of three different U.S. EPA Regions.
8. Pursuant to the Consolidated Rules of Practice, 40 C.F.R. 22.21(c), good cause exists to postpone the date for filing motions by forty-five days to allow the parties the opportunity to conclude negotiation of the terms and conditions of a CAFO addressing nine manufacturing facilities without having to contemporaneously address motion practice in this cause which will be rendered moot by the consummation of the CAFO negotiations.
9. Counsel for USEPA has reviewed this motion and has no objection to the relief requested.

Respectfully Submitted,
HOWARD & HOWARD ATTORNEYS



STEVEN C. KOHL (P28179)
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(248) 723-0320

Dated: June 12, 2002

In the matter of DaimlerChrysler Corporation, Respondent
Docket No. RCRA-07-2001-0015

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Postpone Date dated June 12, 2002, was sent this day in the following manner to the addresses listed below:

Original via Federal Express to:

Regional Hearing Clerk

Sonja Brooks-Woodward
Regional Hearing Clerk
U.S. EPA - Region 5
77 W. Jackson Blvd., E-19J
Chicago, IL 60604-3590

Copy via Federal Express to:


Counsel for Complainant:

Karen J. Peaceman, Esq.
Associate Regional Counsel
U.S. EPA
77 Jackson Blvd., C-14J
Chicago, IL 60604-3590

Copy via Federal Express to:

Administrative Law Judge

Honorable William B. Moran
Office of Administrative Law Judges
U.S. EPA
Ariel Rios Building, Mailcode:1900L
1200 Pennsylvania Ave., N.W.
Washington, DC 20460


Suzanne M. Serra
Legal Assistant